

## HOUSE BILL NO. 154

INTRODUCED BY B. BERGREN

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE FIRE SUPPRESSION ACCOUNT; REVISING THE PURPOSE OF THE ACCOUNT; REMOVING THE STATUTORY APPROPRIATION OF THE ACCOUNT; APPROPRIATING MONEY FOR FIRE PREVENTION AND SUPPRESSION FOR THE 2011 BIENNIUM; AUTHORIZING EXPENDITURES FROM THE ACCOUNT FOR UNPAID FIRE COSTS; AMENDING SECTIONS 17-7-502 AND 76-13-150, MCA; REPEALING SECTION 6, CHAPTER 2, SPECIAL LAWS OF SEPTEMBER 2007; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108;

53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; ~~76-13-150~~; 77-1-108;  
77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and  
90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

**Section 2.** Section 76-13-150, MCA, is amended to read:

**"76-13-150. (Temporary) Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) ~~The department of administration shall transfer from the state general fund to the account the amount necessary to achieve a \$40 million fund balance. The transfer must be made at the beginning of each fiscal year.~~  
The legislature may transfer money from other funds to the account.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel mitigation, GRANTS FOR THE PURCHASE OF FIRE SUPPRESSION EQUIPMENT FOR COUNTY COOPERATIVES, and fire suppression costs.

~~(5) Beginning July 1, 2008, the money in the account is statutorily appropriated, as provided in 17-7-502, to the department for use as provided in this section.~~

~~(6)(5)~~ Interest earned on the balance of the account is retained in the account. ~~(Terminates June 30,~~

2009--sec. 6, Ch. 2, Sp. L. September 2007.)"

**NEW SECTION. Section 3. Authorization to pay unpaid fire costs from appropriation for fire prevention and suppression.** (1) Funds in the fire suppression account may be used to pay unpaid fire suppression costs incurred by the state in fiscal year 2008.

(2) (a) Subject to subsection (2)(b), there is appropriated to the department of natural resources and conservation up to \$30 million for the 2011 biennium from the fire suppression account in the state special revenue fund to be used for the purposes described in 76-13-150.

(b) If AT LEAST \$15 MILLION OF THE money remains unspent and unencumbered in the account on May 1, 2010, the department may spend no more than \$2 million of the amount appropriated in subsection (2)(a) on ~~fire suppression and fuel mitigation projects~~ PREVENTION, FUEL MITIGATION PROJECTS, AND GRANTS FOR THE PURCHASE OF FIRE SUPPRESSION EQUIPMENT FOR COUNTY COOPERATIVES.

**NEW SECTION. Section 4. Repealer.** Section 6, Chapter 2, Special Laws of September 2007, is repealed.

**NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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